

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YASSAR J. LINARES,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

22-CV-4032 (LTS)

10-CR-996-1 (RWS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated June 27, 2022, the Court directed Movant to file an amended motion under 28 U.S.C. § 2255 within sixty days.¹ (ECF 2.) That order specified that failure to comply would result in dismissal of the motion. Movant has not filed an amended motion or otherwise communicated with the Court. Accordingly, the motion, filed under 28 U.S.C. § 2255, is dismissed for the reasons set forth in the June 27, 2022 order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to issue judgment in this case.

SO ORDERED.

Dated: October 4, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ In that order, the Court directed Movant to show cause why the motion should not be dismissed because: (1) he is not in custody under the related conviction; and (2) the motion appeared to be untimely filed. (ECF 2.)